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MAILED

JUL 05 2005

Technology Center 2100

In re Application of: Thompson

Application No. 10/805,077

Filed: March 20, 2004

For: GRAPHICAL PAGING UNIT, A
SYSTEM INCLUDING GRAPHICAL
PAGING UNITS AND THE USE OF
THOSE

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**DECISION ON PETITION TO MAKE
SPECIAL UNDER M.P.E.P. §708.02
(VI): ENERGY**

This is a decision on the petition, filed May 26, 2005, under 37 C.F.R. § 1.102(c) and M.P.E.P. §708.02(VI): Energy, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. § 1.102(c), M.P.E.P. § 708.02, Section VI, must be accompanied by the showing that the application is for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipments, household appliances, etc. A petition under M.P.E.P. § 708.02, Section VI, should be accompanied by verified statements under 37 C.F.R. § 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office explaining how the invention materially contributes to category (A) or (B).

The petition, accompanied by a statement by Paul H. Demchick, applicant's representative, indicates that the instant application should be made special based on the fact that the preferred embodiment of the disclosed invention "includes circuitry to reduce energy consumption". More specifically, Applicant states "the polling signal exchanged between the based station and the graphical dedicated receiving units has uses in energy use reduction. The base unit records each pager unit's poll to dynamically adjust its transmission level use between 0.01 milliwatt and 10 milliwatt".

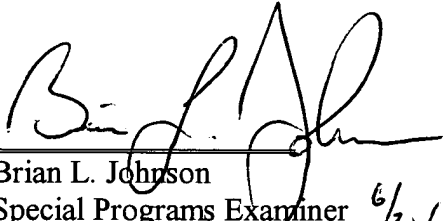
The claimed invention is directed to graphical dedicated receiving unit which is capable of dynamically adjusting its transmission power. The disclosure indicates the invention includes a graphical dedicated receiving unit, a patron paging system (and method) with improved capabilities for "using the system to deliver marketing messages to waiting patrons". This system and its use provide "a superior experience for waiting patrons and allow the advantage to the establishment of allowing marketing." These statements are inadequate to establish for the record *how the invention, by "dynamically adjusting its transmission power" and "deliver marketing messages to waiting patrons" materially contributes to the more efficient utilization and conservation of energy resources* [emphasis added] as set forth in category B (above). Further explanation is required.

As such, petitioner has failed to establish a sufficient nexus between the disclosed and claimed invention and that energy savings will result.

The petition is **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Should petitioner desire reconsideration, he/she should supplement this petition by a declaration or statement giving the information as outlined above. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.


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